

### **REMARKS**

Claims 1-12 are in the present application.

#### **Restriction Requirement**

In the Examiner's Office Action, the Examiner issued a Restriction Requirement under 35 U.S.C. §121, and requested that Applicant elects a single species from the following alleged species, with no claim allegedly being generic:

Species 1 (Figs. 1-4);  
Species 2 (Figs. 5-7);  
Species 3 (Figs. 8-9);  
Species 4 (Figs. 10-11);  
Species 5 (Figs. 12-14); or  
Species 6 (Figs. 15-17).

Applicants elect Species 1, with claims 1-3, 9, 11 and 12 readable thereon, with traverse.

#### **NO SERIOUS BURDEN ON EXAMINER**

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP Sections 802.01, 806.04, 808.01) or distinct as claimed (see MPEP Sections 802.01, 806.05 - 806.05(i)); and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP Sections 803.02, 806.04(a) - 806.04(i), 808.01(a), and 808.02).

Applicant submits that the search required for each of alleges Species 1-6 would not place an undue or serious burden on the Examiner, as the inventions are each directed to display devices having similar structure but with slightly different variations in the control circuit. The Examiner would likely search the same class for each species,

and there would be crossover art in subclasses that would likely be examined to search the method and the control rod drive mechanism/in-core monitor housing. Additionally, the number of claims (12) is not excessive, and as discussed above there are features common to all independent claims which may be found in a single search.

Further, if the search and examination of an entire application can be made without serious burden, as is the case here, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP 803. Accordingly, for this additional reason, Applicant kindly requests the Examiner to withdraw the restriction requirement and search each of claims 1-12.

#### **Right to Petition/Divisional Filings**

Applicant reserves the right of petition under 37 C.F.R. 1.144 should the Examiner make the restriction requirement final. Applicant also reserves the right to file a divisional application for the non-elected claims at a later stage, depending on the results of examination of the elected claims.

### CONCLUSION

An early indication of the allowability of each of claims 1-12 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. § 1.17 and § 1.136(a), Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application, and the required fee of \$450.00 is attached.

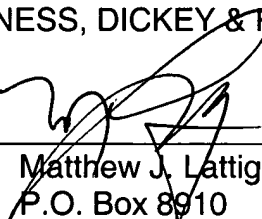
In the event there are any outstanding matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 668-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §1.16 or under §1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By



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